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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,731	03/30/2000	Kenneth J. Myers	BEU/FORESITE4	8860

7590

12/03/2002

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EXAMINER

ROWE, JESSE C

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/538,731

Applicant(s)

MYERS, KENNETH J.

Examiner

Jesse C Rowe

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/9/2002 has been entered.

### ***Claim Objections***

Claims 11-12 objected to because of the following informalities:

The term "video display screen" (line 2 of each claim) lacks antecedent basis.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 8 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 8, amended lines 14-16 discloses new matter that is not in the original

specification. There are no teachings in the specification or original claims as to the benefits or purpose of the housing.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Sheiman (U.S. Patent 4,588,259) in view of Chikazawa (U.S. Patent 5,896,225) and Reaney (U.S. Patent 5,523,890).

Sheiman discloses a stereoscopic effects device comprising an image interlacing arrangement including a video display (10, Figure 7; see column 3, lines 42-45); a microprism sheet (16, Figure 7) including a substrate (22, Figure 7) and a plurality of grooves having intersecting sides that form a v-shape (24, Figure 7), the sides of the grooves forming first and second sets of substantially planar surfaces (24, Figure 7); wherein the sides of the grooves are respectively arranged to refract light from first and second image sources (12, 14, Figure 7) so that the light from separate first and second images on the video display screen exits the microprism sheet to form an interlaced image (20, Figure 2); polarizers situated between the video display screen and the microprism sheet (15, 17, Figure 7); and polarized filters (27 and 29) situated between the microprism sheet and respective left and right eyes of a person and fixed with respect to said polarizers, microprism sheet and video display (see Figure 7). Sheiman does not disclose the sides of the grooves being arranged so that light exits the microprism sheet

Art Unit: 2872

in parallel and all of the components of the stereoscopic effects device (the video display, the microprism sheet, polarizers, and polarized filters) being situated in a common housing, said housing limiting a field-of-view of said person so that only an image displayed on the video display is visible to the person through the polarized filters. Chikazawa discloses grooves of a microprism sheet that are arranged such that light from first and second images exits the microprism sheet in parallel (12, Figures 8 and 9 and column 3, lines 16-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the grooves of Sheiman be arranged such that light exits the microprism sheet in parallel as Chikazawa suggests in order to produce a simple and inexpensive arrangement which visualizes a stereoscopic image via a pixel-like registration and/or display (column 1, lines 24-26; Chikazawa). Reaney discloses that having all components of a stereoscopic effects device be situated in a common housing, said housing limiting a field-of-view of said person so that only an image displayed on the video display is visible to the person (column 2, lines 23-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have all of the components of the stereoscopic effects device of the combination be situated in a common housing as Reaney suggests in order to shut out unwanted ambient light (column 2, lines 23-26).

Claims 10-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Sheiman in view of Chikazawa and Reaney as applied to claim 8 above, and further in view of Powell (U.S. Patent 5,483,254).

Regarding claims 10-12, Sheiman in view of Chikazawa and Reaney lacks wherein the housing is a housing of a handheld video game player and wherein said video display is an LCD screen. Powell discloses wherein the housing is a housing of a handheld video game player (column 2, lines 4-7 and column 11, lines 60-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the housing of Sheiman in view of Chikazawa and Reaney to be a housing of a handheld video game player as taught by Powell to be used with 3-D video games (column 2, lines 4-19). Powell also discloses wherein said video display is an LCD screen (column 2, lines 40-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the video display of Sheiman in view of Chikazawa and Reaney to be an LCD screen to reduce weight and decrease size for portability (column 2, lines 43-46).

### *Response to Arguments*

Applicant's arguments filed 9/12/02 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that none of the references as applied to Sheiman suggest a housing that fixes the polarizing filters with respect to the other components of the device, the examiner points out that Figure 7 of Sheiman shows polarized filters that are fixed

with respect to the other components. Therefore, there is at least one embodiment of Sheiman that has polarized filters that can be placed in a housing as taught by Reaney.

In response to applicant's argument that none of the references as applied to Sheiman suggest a housing that limits the field-of-view in order to eliminate a ghosting problem, this is new subject matter in that the applicants original specification and claims do not themselves suggest a housing that limits the field-of-view in order to eliminate a ghosting problem and can not be entered into the examination. However, even if it were admissible, Reaney discloses a housing to remove ambient light from a 3-D viewing system and limiting the field-of-view of said person so that only an image displayed on the video display is visible to the person. Therefore, the combination of Sheiman in view of Chikazawa and Reaney does indeed suggest fixed placement of a microprism sheet, polarizers, video display and polarized filter in a common housing that also limits the field-of-view.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse C Rowe whose telephone number is (703)305-7018. The examiner can normally be reached on Regular M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on (703)308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7018 for regular communications and (703)305-7018 for After Final communications.

Application/Control Number: 09/538,731

Page 7

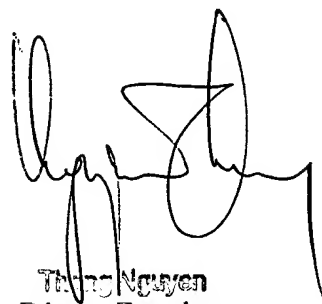
Art Unit: 2872

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-7018.

JR



November 27, 2002



Thong Nguyen  
Primary Examiner